**Section 1845.17 Procedures for Assessment of Civil Penalties**

a) Within fifteen (15) days of service of a notice or order, the person to whom it was issued may submit written information about the violation to the Department. The Department shall consider any information so submitted in determining the facts surrounding the violation and the amount of the penalty.

b) The Department shall serve a copy of the proposed assessment and of the worksheet showing the computation of the proposed assessment on the person to whom the notice or order was issued, by certified mail, or by any alternative means consistent with the rules governing service of a summons and complaint in the Illinois Circuit Courts, within thirty (30) days of issuance of the notice or order.

1) If the mail is tendered at the address of that person set forth in the sign required under 62 Ill. Adm. Code 1816.11 or 1817.11, or at any address at which that person is in fact located, and he or she refuses to accept delivery of or to collect such mail, the requirements of subsection (b) shall be deemed to have been complied with upon such tender.

2) Failure by the Department to serve a proposed assessment within thirty (30) days shall not be grounds for dismissal of all or part of such assessment unless the person against whom the proposed penalty has been assessed:

A) Proves actual prejudice as a result of the delay; and

B) Makes a timely objection to the delay. An objection shall be timely only if made in the normal course of a request for hearing made pursuant to 62 Ill. Adm. Code 1847.5

c) Unless a hearing has been requested pursuant to 62 Ill. Adm. Code 1847.5, the Department shall review and reassess any penalty if necessary to consider facts which were not reasonably available on the date of issuance of the proposed assessment because of the length of the abatement period. The Department shall serve a copy of any such reassessment and of the worksheet showing the computation of the reassessment in the manner provided in subsection (b), within thirty (30) days after the date the violation is abated.

(Source: Amended at 17 Ill. Reg. 10926, effective July 1, 1993)